

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE AND FEE CHANGES, 2001

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY
Docket No. R2001-1

MOTION OF THE UNITED STATES POSTAL SERVICE
REQUESTING WAIVER OF THE COMMISSION RULES
WITH RESPECT TO CATEGORY 3 LIBRARY REFERENCES
(September 24, 2001)

By separate pleading, the Postal Service has submitted with its Request a notice regarding the master list of library references included with the filing. The instant motion is a request for waiver, where necessary, of the Commission's procedures governing library reference practice, with respect to all Category 3 (Reference Material) library references. The relevant library references have been identified as such in the master list in the "Category" column, and are also identified below:

USPS-LR-J-47	National Agreements: American Postal Workers Union-AFL-CIO, 1998-2000; National Postal Mail Handlers Union, AFL-CIO, 1998-2000; National Rural Letter Carriers Association, 1995-1999; National Association of Letter Carriers, AFL-CIO, 1998-2001
USPS-LR-J-62	Letter Recognition Enhancement Program (Miller)
USPS-LR-J-90	Domestic Mail Rate History
USPS-LR-J-91	Domestic Mail Revenue and Volume History
USPS-LR-J-97	Redacted Fed Ex Transportation Contract
USPS-LR-J-104	FY 2000 Household Diary Study

Specifically, the Postal Service requests that to the extent that it could be argued that its

filing does not actually or substantially comply with all of the requirements of Rule 31(b)(2) with respect to the above Category 3 library references, that those requirements be waived.

The intended primary purposes of the revisions to Rule 31(b)(2) are to limit library references to appropriate circumstances and categories of material, and to insure that adequate information is provided to identify the contents of library references and to indicate how they relate to the case. See Order No. 1263 at 3. The Postal Service submits that, in the context of its Category 3 library references, these purposes are achieved by virtue of the historical practice regarding these types of library references, and by the information included on the master list, within this motion, and within the library references themselves. Most specifically, the nature of Category 3 library references is such that there has never been a genuine issue that these materials are most appropriately filed as library references, and their nature is such that there is no need for the filing of a separate notice for each library reference, as might otherwise appear to be required by Rule 31(b)(2)(iv).

In many respects, reference material is the quintessential library reference material. Filing reference material as a library reference is a simple and effective way to make available to the parties background material that they otherwise might wish to track down at their own time and expense. It is, therefore, a practice which exists primarily for the convenience of the parties and the Commission. The Commission rules clearly contemplate that reference material is appropriate to be filed as a library reference, because not only is there a special category for it under subsection (b)(2)(i)(Category 3), but it also falls squarely within the provisions of subsection

(b)(2)(ii)(B), as "secondary source" material.

The practical effect of granting the requested waiver for Category 3 library references is to eliminate the need for individual notices for each reference. Granting or denying the waiver, for example, will not alter the fact that electronic versions of most Category 3 references cannot be provided because the materials have been obtained from an external source only in hard-copy version. Other factors additionally impairing the availability of electronic versions occur in instances in which manual redactions have been made (e.g., J-62 and J-97), and where, as with the Household Diary Study (J-104), the Postal Service attempts to recoup some of the cost of the research by selling electronic versions. Each of the Category 3 library references should already be labeled in accordance with proper notation standards. The source of the material (i.e., its authors, or the institutional entity that created it) should be self-evident from the material itself.

In some instances, it may be difficult to identify exactly how the material relates to the Postal Service's case. This is because certain reference material, such as collective bargaining agreements, the Household Diary Study, handbooks, and rate and volume histories, are put on the library reference list because experience has shown that, over the course of the case, both postal and nonpostal witnesses will have occasion to refer to their contents. Therefore, while it may not yet be clear exactly how the material will be used in the case, it may be safe to assume that creating the library reference and making the material available in a format that can be referred to and cited by all parties is nevertheless worthwhile. Of course, to the extent that any postal witness makes use of a Category 3 library reference, that fact will be amply reflected in

the testimony or documentation of that witness. More specifically, it may be noted that the collective bargaining agreements (J-47) relate to some extent to the revenue requirement testimony, the Household Diary Study (J-104) is used by the demand forecasting witnesses, the connection between J-62 and witness Miller is reflected in the title, and the connection between the FedEx Contract (J-97) and the testimonies of those witnesses addressing the effects of that contract (e.g., USPS-T-18, 91, and 20) is self-evident.

Wherefore, for all of the above reasons, the Postal Service respectfully requests that to whatever extent it could be argued that its filing does not actually or substantially comply with all of the requirements of Rule 31(b)(2) with respect to the above Category 3 library references, that those requirements be waived.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorney:


Eric P. Koetting

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.


Eric P. Koetting

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